

CITY OF CLEWISTON
Regular Commission Meeting
April 15, 2013

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, April 15, 2013. The meeting was called to order at 5:00 p.m. by Mayor Phillip Roland. Pastor John Hicks gave the invocation and the audience recited the Pledge of Allegiance.

Attendance:

Commissioners Present: Mayor Phillip Roland, Commissioner Mali Gardner, Commissioner Richard Miller, Commissioner James Pittman, and Commissioner Julio Rodriguez.

Personnel Present: Finance Director Ted Byrd, Interim City Manager Don Gutshall, City Clerk Marilyn McCorvey, Golf Course Director Adolfo Pena, Recreation Director Lance Ramer, Community Development Director Travis Reese, Public Works Director Sean Scheffler, City Attorney Charles Schoech, Rhonda Davis, Steve Hayes, and Karen Moore.

Visitors Present: Jerry Cochran, Terry Gardner, Asa & Betty Godsey, Denise Hatton, John Hicks, Christine Howell, Donald Hughes, Paula Pittman, Gloria Rosen, and John Wellslager.

ADDITIONS/DELETIONS/CHANGES TO THE AGENDA – ICM Gutshall asked that the Commission approve adding Event Application for National Day of Prayer as 1-B on Consent Agenda, and add Item 12-A as Discussion on a Reappointment to the TDC. The Commission agreed to the additions.

1. Consent Agenda

- A. *City Commission Minutes – April 1, 2013*
- B. *Event Application - National Day of Prayer*

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the Consent Agenda. Vote 5 yeas, 0 nays.

RESOLUTIONS

- 2. Resolution No. 2013-04** – This resolution establishes a budget for FDLE Grant to improve building security at the Police Department utilizing today's technology. ICM Gutshall read Resolution No. 2013-04 by title.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve Resolution No. 2013-04. Vote 5 yeas, 0 nays.

- 3. Resolution No. 2013-05** – This resolution relates to special assessments for the overlay of paved driveway aprons and the construction and installation of new paved driveway aprons providing for the assessment of cost to property owners. ICM Gutshall read Resolution No. 2013-05 by title.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2013-05. Vote 5 yeas, 0 nays.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

- 4. East Hendry County Communities Recreation Advisory Committee (EHCCRAC)** – The Committee asked to be placed on the agenda to formally present its recommendations to the City Commission regarding East Hendry County recreation. Lance Ramer came forward to speak on this item as Chairman of the EHCCRAC. Mr. Ramer stated that the committee has met every two weeks since its inception. He stated they have looked at many different scenarios for EHCCRAC, but recommend that the City Commission consider Proposition #9, recognizing that this is not a cure all for the issues facing EHCCRAC. EHCCRAC feels this is the best recommendation considering the current financial limitations, physical plant needs, debt service and recreational needs of the communities involved. Proposition #9 recommends an increase of 100% above current assessments for recreation in "ALL" the unincorporated areas of Eastern

Hendry County, which would generate \$170,680 in additional revenue specifically for recreation in Eastern Hendry County. Mayor Roland stated that everyone needs to realize that the EHCCRAC is an appointed committee which has given us something to get off the ground, but the true governing members will be two City Commissioners, two County Commissioners, and one school board member. Commissioner Rodriguez stated he thought the purpose of the EHCCRAC was to reduce recreation costs to the City and he does not think Proposition #9 does that. Commissioner Miller stated that taxpayer money is used for buildings and maintenance and the county has not addressed any of these costs and he does not see where this proposal benefits the City. There was further discussion on this issue, but no decision was made.

5. **Discussion on Lease of Sikes Park to Little Disciples Learning Center** - Jeremy and Kartrice Greaves have been renting the Sikes Park building for the past five (5) years. The Greaves would like the Commission to consider giving them an extended lease for five (5) years rather than the two (2) years they currently have. The Greaves are requesting the rent for the building to remain at five hundred dollars (\$500) per month for the duration of the new lease. If this arrangement is approved, staff will prepare a new lease. Recreation Director Ramer stated that the Greaves use the building for nine months of the year for a preschool and the City uses it the other three for summer camp and the arrangement has worked well. Mr. Ramer stated the Greaves do a good job of taking care of the facility.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to grant Little Disciples Learning Center a five year lease in the amount of \$500 per month, but to review the lease in three years for a possible rent increase of up to 10%. Vote 5 yeas, 0 nays.

6. **City Commission Meeting Schedule** - In February, the Commission made the decision to have two meetings per month on a trial basis for two months to see if they are needed. The Commission should decide whether to continue with the two meetings per month schedule, or to return to the one meeting and one workshop schedule. The Commission discussed the need for two meetings per month and decided to continue with two meetings for the month of May and reevaluate again in June.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to continue having two meetings for the month of May, but discuss again at the June 3, 2013 meeting. Vote 5 yeas, 0 nays.

7. **Reappointment of Special Magistrate, James Watt** - James (Jim) Watt was appointed at the April 19, 2010 Commission meeting as Special Magistrate for the City of Clewiston to preside over code enforcement violations for a term of three (3) years. If reappointed, Mr. Watt has agreed to continue to continue as the Special Magistrate with no increase in pay (\$100 per hour). Community Development director Reese stated that the Special Magistrate is an excellent tool and since appointed in 2010, Mr. Watt has presided over 75 cases. Mr. Reese stated there have been twelve meetings in three years and Mr. Watt has been paid a total of \$5,974. The City has collected \$4,500 in fines.

Commissioner Miller made a motion, seconded by Commissioner Gardner, to reappoint Mr. James Watt as Special Magistrate for the City of Clewiston for a three year term. Vote 5 yeas, 0 nays.

8. **FMPA Open Access Transmission Tariff and Participating Member Agreement** - City Attorney Schoech has reviewed the agreement for legal sufficiency. Compliance Manager Lynn Mila came forward to speak on this item. Ms. Mila stated this is a compliance issue and the agreement allows FMPA to register in our place as a transmission provider which takes the risk off the City. City Attorney Schoech stated this agreement had been revised several times and that we can do this through FMPA with the benefits it provides or we can do it ourselves and take the liability risk.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the FMPA Transmission Provider Agreement and the FMPA OATT, including the LGIP and LGIA "as to form" and delegate authority to the City Manager or Utility Director to execute a LGIA and Service agreement on the City's behalf upon request for transmission or interconnection service pursuant to the FMPA OATT on Clewiston's transmission system. Vote 5 yeas, 0 nays.

9. **Discussion on Contract with Angie Brewer & Associates to work with Nancy Phillips on Airglades Industrial Park Funding Analysis and Strategy.** This item was tabled at the April 1, 2013 meeting.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to table this item. Vote 5 yeas, 0 nays.

10. **Consideration of Changes to the All Juice Draw Schedule** – This item was tabled at the April 1, 2013 meeting. Commissioner Pittman was to meet with Mr. Perez to discuss possible changes to the draw schedule. The Commission discussed this item and felt that the draw schedule does not necessarily agree with the bills to be paid. Mr. Perez felt that the timing of the draws is what is in question.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to amend the All Juice draw schedule to allow partial draws on Draws 4, 5 & 6, and authorize a 50% partial draw of Draw 3 immediately with full payment when skin is on the building; and to reimburse large ticket items with presentation of receipt. Vote 5 yeas, 0 nays.

11. **Pension Plan Provider Selection Discussion** - Florida League of Cities, Principal Financial and Securian provided an overview of their services and base fees at the April 1, 2013 meeting. The Commission discussed various facets of each provider. Pension Attorney Bonni Jensen informed the Commission there would be fees regarding the termination of the contract with Principal. Commissioner Miller thought the Commission should consider the employees and their comfort level and they will need guidance. Ms. Jensen stated it is very difficult for people to make investment decisions. Ms. Jensen stated that all of the providers have a target benefit program, but the last entity she helped transition still has about 50% of their money in stable value funds. Commissioner Pittman stated the fiduciary responsibility is important to him and he liked the fact that Minnesota Life has sole responsibility for investments. Commissioner Miller felt that Principal let a lot of things fall through the cracks without notification to the Commission and he felt the employees will listen to Gloria Rosen about investments because she has gained their respect. The Commission asked Ms. Jensen to get rates of return on the providers and who made the most money. Commissioner Gardner would like to see the termination fees for June 1 with Principal and what the gains have been.

Jerry Cochrane stated he understands the Commission's desire to communicate with the employees, but felt they won't understand basis points. Mr. Cochrane urged the Commission to look hard at this and get a sense of urgency to get a retirement program initiated. Mr. Cochrane stated employees are losing money right now and can't take advantage of a strong market. Mr. Cochrane stated he can't believe the Commission is considering Principal for any plan.

Gloria Rosen wanted to clarify the freezing and unfreezing of the defined benefit plan. She stated the only thing that is really frozen is that no new participants are allowed to join. The plan is still making gains and/or losses.

Consensus of the Commission was to bring this item back for discussion at the May 6, 2013 meeting and start the meeting at 4:00 p.m.

12. **City Manager Salary and Benefits Discussion** - Mayor Roland, ICM Gutshall and City Attorney Schoech met with Al Perry on Friday, April 5 to discuss salary and benefits. Commissioners Pittman and Miller did not agree with the starting salary of \$95,000 with a raise to \$100,000 in 90 days. Both felt the starting salary should be around \$85,000. Commissioner Gardner stated she would agree to a starting salary of no lower than \$90,000. Commissioner Rodriguez stated he thought the salary was high, but he supports Mr. Perry 100% and wants him to be with the City for many years. He feels Mr. Perry will make a good manager and he would agree to \$92,000 to \$95,000, deleting the 90 day increase. Mr. Perry will be evaluated in one year.

Jerry Cochrane stated Mr. Perry would not have been his first choice for manager, but he 100% behind him. He felt that because Mr. Perry did not ask for other benefits usually given to city managers, the Commission should consider the \$95,000 salary.

Mayor Roland stated that Mr. Perry did not make any demands regarding vacation or other benefits and he brings a lot to the plate.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to approve a starting salary of \$95,000 for Al Perry, and evaluate him yearly. Vote 5 yeas, 0 nays.

12-A – TDC Appointment – Mayor Roland stated that with the departure of Chamber of Commerce Director Jillian Sparks, a more seasoned representative should serve on the TDC.

Commissioner Pittman made a motion, seconded by Commissioner Miller, to appoint Commissioner Gardner to the TDC. Vote 5 yeas, 0 nays.

13. Departmental Monthly Reports – Presented for information only.

PUBLIC COMMENTS - At this time, any person will be allowed to speak on any matter that pertains to City business.

Public Works Director Scheffler stated he had been instructed to look into fireworks for the 4th of July. He stated that Zambelli, who has shot our show for many years, has agreed to do the same show as last year on the 4th of July for the same price as last year, \$11,000.

Commissioner Pittman made a motion, seconded by Commissioner Rodriguez, to engage Zambelli to shoot the fireworks on July 4th for the amount of \$11,000. Vote 5 yeas, 0 nays.

REPORT FROM FINANCE DIRECTOR - none

REPORT FROM INTERIM CITY MANAGER - none

REPORTS FROM THE CITY ATTORNEY - none

REPORTS FROM THE CITY COMMISSION - none

ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

Phillip Roland, Mayor

Marilyn McCorvey, City Clerk